IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10133 of 2004

Between:

The Vice Chairman Tirupathi Urban Development Authority Tirupathi, Chittoor District

..... PETITIONER

AND

1 P. Bathi Reddy, Chairman, Tirupathi Urban Development Authority, . . . Tirupathi, Chittoor district
2 The Government of A.P., rep by Principal Secretary Secretariat, Hyderabad
3 M. Venkat Reddy, Junior Assistant Tirupathi Urban Development Authority, Tirupathi, Chittoor district
4 V. Ravi Shenkar Naidu Dy. Surveyor, Tiruapthi Urban Development Authority Thirupathi, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Certiorari calling for the Records relating to O.A. No. 5357/93 on the file of A.P. Administrative Tribunal and set a side the judgment passed in O.A. No. 5357/93 dt 29-08-2003 as illegal, arbitrary.

Counsel for the Petitioner:MR.K.BATHI REDDY

Counsel for the Respondent No.: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

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ORDER: **(Per the Hon'ble Sri Justice G.Bikshapathy)**

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This writ petition is filed by the Vice-Chairman, Tirupathi Urban Development Authority, Tirupathi, Chittoor District challenging the order dated 29-8-2003 in O.A.No. 5357 of 1993 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. The matter relates to the promotion of the 4th respondent to the post of Junior Assistant/Deputy Surveyor. The Dispute arose between the 4th respondent and 1st respondent. While the 4th respondent is holding the post of Deputy Surveyor, Respondent No.1 is claiming the post of Junior Assistant. The Tribunal after considering the respective claims, disposed of the O.A. with the following directions:

> *"In the circumstances, if the applicant is senior to the 4th respondent, his case has to be considered and he should be given posting as Junior Assistant. If there is no vacancy in the category of Junior Assistant, then the applicant should be posted as Deputy Surveyor, as he is senior to the 4th respondent. If any seniors are there, both to the 4th respondent and the applicant, their cases have to be considered first, before considering the case of the applicant. This exercise should be done and necessary orders should be passed within a period of six weeks from today, as per the above observations".*

3. It is also brought to the notice of this Court that the 4th respondent was promoted as Surveyor. Inasmuch as the 1st respondent claimed the post of Junior Assistant and as the Junior Assistant posts were not available, he was not promoted.

4. Accordingly, the Writ petition is disposed of directing the authorities to promote the 1st respondent as Junior Assistant in the existing vacancy, or in a vacancy which will be available in due course of time.

5. With the above directions, the writ petition is disposed of. No order as to costs.

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G.Bikshapathy,J

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P.S.Narayana,J.

13th April, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman Tirupathi Urban Development Authority Tirupathi, Chittoor District

2. The Principal Secretary, Government of A.P., Secretariat, Hyderabad
3. 2 CCs to G.P. for Municipal Administration and Urban Development,

High Court Buildings, Hyderabad (OUT)

4. 2 CD copies.

THE HONOURABLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10133 of 2004

13th April, 2005.